

Migrant Working in West Norfolk

Dr Becky Taylor and Dr Ben Rogaly

becky.taylor@sussex.ac.uk and b.rogaly@sussex.ac.uk

Sussex Centre for Migration Research, University of Sussex

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**With thanks to all the individuals,
community groups, statutory and
voluntary organisations
that took part in the research**



Foreword

During 2003 it became very evident that Norfolk, continuing a long tradition of migrant workers coming into the county, was attracting in particular Portuguese and Chinese workers in its agricultural and food processing industries.

At the time we commissioned this research little was known about the Chinese migrant workers. We wanted to know about the conditions in which people were living, the difficulties they were facing, what access, if any, they had to services, and how their basic human rights were affected.

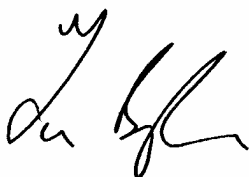
Norfolk County Council commissioned this research, in partnership with Norfolk Constabulary and the Norwich and Norfolk Racial Equality Council.

This research was seen as the first stage in gaining information about Chinese migrant workers. The researchers were asked to speak to staff working in the different agencies to gain an insight through their perceptions of the situation. It was not a part of their brief to speak to migrant workers themselves, or to gangmasters.

We were pleased that the research highlighted the importance of migrant workers to the local economy, and improved our knowledge of the distinctive labour requirements in the food processing industries in West Norfolk. We also recognised that some questionable employment practices were taking place, and that migrant workers are vulnerable to exploitation.

With this research as the basis we were pleased to support further research being commissioned by Norfolk Constabulary, which would involve interviews with the workers themselves, and would provide more in-depth information.

We believe that our underlying principle in the work that follows from both research reports should be that of community cohesion.



Tim Byles
Chief Executive,
Norfolk County Council

May 2004

Report on Migrant Working in West Norfolk Executive Summary

Dr Becky Taylor and Dr Ben Rogaly

October 2003

1. There has been a perceived rise in the number of migrant workers in West Norfolk in 2002 and 2003. In response to this and to concern for community cohesion and the risks facing migrant workers, Norfolk County Council commissioned the University of East Anglia to carry out an initial one month study to draw together information held by key agencies and individuals as a first step towards further action.
2. Migrants work in horticulture, and food packing and processing, but they also work in other sectors, including health and education. Many foreign migrant workers are professionals. Alongside the increase in migration from abroad there has also been an increase in the British black and minority ethnic population in West Norfolk, including white people with non-British heritages.
3. Among temporary foreign migrant workers in the food sector, many are in Britain legally and with the legal right to work, including EU nationals and workers employed through the Seasonal Agricultural Workers Scheme. The total number of workers is unknown, as is the demand for such workers. This point was emphasised in the report of the House of Commons Select Committee on Environment, Food and Rural Affairs on Gangmasters (September, 2003).
4. There is an insufficient number of British nationals willing to fulfil the demand of the industry. This is exacerbated by the economic upturn of recent years, modern supply practices in horticulture, food processing and packaging involving peaks and troughs of labour demand.
5. Nevertheless the arrangements for foreign migrant workers to enter the country have become increasingly complex as the government has attempted to introduce a policy of 'managed migration'. This has created a hierarchy of citizenship. At the bottom of this hierarchy are undocumented workers. In general, the more insecure a worker's citizenship status, the greater the possibility for their exploitation by unscrupulous employers, including gangmasters. But illegal employment practices are by no means confined to undocumented workers.

6. Supermarkets are the main buyers of horticultural products. Suppliers need to stay competitive in order to keep their supermarket orders. This may make them subject to price pressure, which, particularly for smaller producers and packers, may make them inclined to turn a blind eye to the illegal employment practices of unscrupulous gangmasters.
7. Some migrant workers in King's Lynn live in houses of multiple occupancy (HMOs). This has caused problems such as the overloading of electricity circuits, and the rundown appearance of houses. Racist hostility to the presence of HMOs has been marked. If local residents are to be encouraged to show greater understanding towards migrant workers in HMOs in their area, then some insight into the reasons behind their situation is important. Migrants have little choice over either the location or the quality of the housing they are able to find.
8. A characteristic feature of migrant working in horticulture is that it is common for employers to provide accommodation and to deduct rent from wages. Thus employment issues are strongly interconnected with housing issues. 'when a problem arises with the job, the pay or the accommodation, the worker is uncertain of their rights to remain in the UK or in the accommodation' (Source: Citizens' Advice Bureau evidence to the DEFRA select committee on gangmasters, April 2003, pp2-5).
9. The majority of temporary migrant workers are young men, and thus the extent to which they have used health services has been limited. However, there is a greater use of such services by workers in Britain legally, such as European Union citizens.
10. When they do need it, undocumented migrants are understandably afraid to seek medical help. However, those with ongoing medical conditions or sudden health needs have occasionally turned to the hospital based services such as Accident and Emergency at Queen Elizabeth Hospital, King's Lynn. Sometimes gangmasters or even the police have been involved in getting such patients seen. Because anyone can access emergency care at A&E without having to produce documentation or proof of address, and because the GUM clinic stresses confidentiality, they are considered safer than other NHS outlets by undocumented migrant workers. Unsurprisingly this involves requests for help with problems beyond the remit of hospital services.
11. Many foreign migrant workers speak little or no English. They are thus unable to challenge their employers if they feel they have been unfairly treated or their pay miscalculated. Some employers take advantage of this, pretending not to understand or refusing to provide an interpreter. Fellow nationals, who speak English and can act as intermediaries, can also act as gate keepers to key resources.
12. Service providers have access to interpretation by Language Line and CINTRA when they come into contact with clients who do not speak

English. The main languages for which these services have been used in West Norfolk over the last eighteen months are Portuguese, Russian, Mandarin and Cantonese. However local authority workers and other officials are often reluctant to use these services because Language Line (a phone service) is perceived as expensive and time consuming. Some refuse because they prefer not to engage with foreign migrant workers at all. Some voluntary organisations have been willing to use interpreters provided by clients. These unqualified interpreters may be preferred by some clients but they can influence the direction of an interview and they may not be impartial.

13. The translation of leaflets informing migrant workers about their rights and services they can access is vital.
14. Migrants are considerably more likely to be victims of crime than to perpetrate it. They suffer from extortion and violence from gangs and gangmasters and racism and attacks from local communities.
15. Through the Multi-Agency Protocol on Racist Incidents some agencies have made efforts to improve trust and confidence among communities, and through partnership with voluntary agencies work to improve their race relations strategies. However, further work is needed so that agencies such as police and hospitals can reassure migrant workers of their intentions and thus encourage them to use their services.
16. Current initiatives include funding received by the King's Lynn Asylum Seeker and Refugee Service (KLARS) for two part-time project workers and a project manager to develop outreach work with their client base, which includes migrant workers. KLARS also intends to provide training for volunteer translators and to provide English classes for Chinese migrant workers. King's Lynn and West Norfolk Chinese Association recently put in a bid for a Chinese community project worker to develop language support and improve access to the health service. There have also been proposals for drop-in centres for migrant workers. The CAB is starting a drop-in advice clinic in North Lynn Community Centre.
17. Such moves are welcome. However, there is a danger that the funding of outreach workers will be short term, that their roles will overlap and still leave gaps, and that they may be designed for one particular community alone. To guard against this the development of general support and outreach workers, backed up by interpretation and sign-posting services, may be more appropriate.

Main recommendations

18. In-depth research with migrant workers is required to assess the impact of current policy initiatives, levels of need and the potential direction of service provision. This research should be independent of any enforcement agency, able to engage with the needs and difficulties of all the main nationalities involved, and be action orientated in approach.

19. In terms of support to undocumented migrants, there is a tension here between what some agency staff would like to deliver on humanitarian grounds, and what they are allowed to deliver under the immigration legislation Agencies should clarify who they are able to support.
20. Some agencies' translation policies need to be formalised and publicised to their front line staff. To make sure available service such as INTRAN are used.
21. Posters and leaflets sign-posting support and health services and information on rights in appropriate languages should be produced and placed initially in supermarkets. This work should involve trades unions and Citizens Advice Bureaux as well as local councils. These actions should be implemented locally by multi-agency groups.
22. Norfolk Constabulary has a policy and system to investigate racist incidents. The whole police force, rather than individuals within it, should make consistent efforts to investigate racially motivated and other crimes against migrant workers.
23. We recommend information and awareness raising among the local population to highlight the contribution migrant workers make to the local economy and the abuses from which they suffer. It should be recognised that confronting migrant workers' issues is a major part of the struggle against racism.
24. Language classes should be made available for migrant workers of any status, preferably to be held on evenings or weekends. The multi-agency group should explore issues surrounding funding, publicity and access of the classes by workers.
25. All providers of temporary workers to the food sector, including gangmasters, should be registered and this should be strictly enforced. The local multi-agency group should work for the implementation of registration of gangmasters as campaigned for by the Ethical Trading Initiative (an alliance of business interests, unions and voluntary organisations).
26. Local agencies should explore how current employment law could be more rigorously enforced, including the issue of excessive deductions for accommodation and transport charges. This is in line with the recommendations of the report of the Select Committee on Environment, Food and Rural Affairs subcommittee enquiry on Gangmasters.
27. The local multi-agency group should work with trade unions and the Citizens' Advice Bureau to pressure government to enable migrant workers to bring illegal employment practices to the attention of the authorities without coming under the threat of deportation.

28. Individual employers in the sector should also be strongly encouraged to work with trade unions over migrant workers issues.
29. In recognition of the important economic role of migrant workers in the horticultural and packhouse labour force as well as in other “unskilled” sectors the following changes are recommended to government immigration policy:
 - The current proliferation of schemes for legal entry of workers to the UK horticulture and food processing sectors should be replaced by non-sector specific permission for potential workers to enter the country as job-seekers, provided they fund their own transport and accommodation.
 - “Unskilled” migrant workers should be offered avenues to long-term stay just as “highly skilled” migrant workers are.
 - The United Kingdom should ratify the United Nations Convention on the Rights of Migrant workers and their families.

Report on Migrant Working in West Norfolk

Dr Becky Taylor and Dr Ben Rogaly

October 2003

Introduction

During 2002 and 2003 there has been a rise in the number of migrant workers in West Norfolk. A number of agencies, including King's Lynn Borough Council became concerned about the possible implications of the new migration for community cohesion and also about the risks facing migrant workers due to multiple occupancy housing, inadequate access to health services, and illegal and exploitative employment relations. As a result Norfolk County Council commissioned the University of East Anglia to carry out an initial one month study to draw together information held by key agencies and individuals in the borough as a first step towards further action.

This report details the findings of the study. It is made up of seven main sections covering the scale of migrant working in Norfolk, undocumented migration and illegal employment practices, housing, health, translation and language, crime, racism and community tension. The last section suggests ways forward including current and future support for migrant workers.

The Scale of Migrant Working in Norfolk

Until recently there has been a widely held perception that the population of Norfolk is very stable, indigenous and white¹. Some public figures have implied that the recent increase in manual workers of foreign nationality, including workers of visible minority ethnic groups, is a major aberration and, to a certain extent at least, a problem. However, it is important to set the increase in international migrant manual workers in the context of both a general growth in the Black and Minority Ethnic (BME) population (of British and other nationalities) in the county, and an increasing use of non-British migrant labour in a number of different sectors, not simply low paid agricultural work.

In 1991 the visible BME population of Norfolk was 0.9% of the total population of the county, but by 2001 this had increased to 1.52% - over twelve thousand people in total.² When 'White Other' is included in the 2001 figures,

¹ See Helen Derbyshire Not in Norfolk. Tackling the Invisibility of Racism (1994, Norwich and Norfolk Racial Equality Council)

² Unless stated otherwise, the figures from this section come from census data or Norfolk Police Constabulary figures. It is impossible to compare the 1991 and 2001 censuses

which embraces, for example, Travellers and many EU nationals, the total is brought to 3.77%, or slightly over thirty thousand people. The figures for the non-White population of King's Lynn and West Norfolk for the same period show a rise from 0.8% to 1.4% of the total population. Some of this population is concentrated. For example, Fairstead estate in King's Lynn has a combined BME/ 'White Other' population of 7.41%. Within West Norfolk as a whole there is an official BME/'White Other' population of approximately twelve thousand. These figures must be taken as the absolute minimum, as they only include individuals who were counted in the census, or who have had contact with the National Insurance system. Others, either through the temporary nature of the work, the fact that they were not present in the county on census day, or the fact that they were undocumented migrants, will not have been included.

The presence of BME (including non-British White)³ communities in King's Lynn has been documented since at least the 1940s. It initially consisted of Italian and Polish people and other near-European neighbours (many of them ex-POWs) who were engaged in agricultural employment. The 1970s saw the first arrivals of Chinese and Asian families, many of whom started restaurant businesses in the area. In the mid to late 1990s, following the collapse of restrictions, and owing to continuing conflicts in former Eastern block countries, West Norfolk began to see increasing numbers of displaced Albanians and Kosovans. By 1999 the Eastern European community consisted mainly of people from the former USSR (Ukraine, Lithuania, Estonia, Belarus, Latvia and Russia). From about 2001 a significant wave of Portuguese migration to the area began, and this became centred primarily around Swaffham and Thetford.

In 2001 there were 1208 people from visible ethnic minorities who moved into Norfolk from outside the UK for work purposes, of which 191 settled in the King's Lynn and West Norfolk region. The Department for Work and Pensions (DWP) provides figures for the numbers of National Insurance numbers applied for by non-British workers, which for the Eastern Region in 2001/02 totalled 9300. Within the King's Lynn area, the largest national group applying for NI numbers is made up of Portuguese people who are involved in factory work. The second largest group of applications comes from individuals, typically from the Philippines or from South Asia, who are working for the NHS or in care work more generally.⁴ Equally, there are a large number of applications from nationals of Commonwealth countries coming to work as teachers or in Social Services. While workers from the former Eastern Block and the USSR commonly come for working holidays and do seem to form a large proportion of local pack house and land labour, there is also 'a surprising

exactly owing to additions in ethnic categories in the 2001 census, including the new category of 'Mixed' and the sub-categories of 'White Irish' and 'White O'ther'.

³ In the rest of this report Black and Minority Ethnic is used to include those who placed themselves in the Census category "White Other"

⁴ For example, King's Lynn and Wisbech hospitals NHS Trust currently employ 107 overseas nurses, the majority from the Philippines.

number of professionals' applying for NI numbers and wanting to stay long term in the UK.⁵

Secondary data suggest that there is a population of about six thousand Portuguese temporary workers in the Thetford and Swaffham areas, and that approximately one thousand to fifteen hundred Chinese migrants took up residence in King's Lynn and the surrounding area since January 2003.⁶ The Chinese population is thought to be made up from a mix of undocumented migrants and people who entered by legal routes but do not have permission to work. There are only a very small number of asylum seekers in the population. The migrant worker population also includes 'Eastern Europeans' who might have entered the country as visitors or students and either have no right to work, or have exceeded the number of hours allowed for paid employment. Others have entered the country illegally with false or no documentation.⁷

In summary, the recent growth in field labour by foreign workers belonging to visible ethnic minorities is not an isolated phenomenon. Instead, it must be read as part of a wider change in the population and employment structure of the county. In the last decade the British BME population of the county has grown, and is no longer simply centred around Norwich and the University of East Anglia. At the same time there has been an increasing reliance on workers of other nationalities for all sectors of the economy, but particularly the 'caring' professions and in low paid food sector work, including in horticulture and packhouses. The discussion that follows focuses on the problems faced by workers in horticulture and packhouses. However, this does not mean that difficulties are not experienced by 'white-collar' workers – it may be that they are simply less visible.⁸

Undocumented Migration and Illegal Employment Practices

The employment conditions experienced by migrant workers are related to the legality of their status in the UK.⁹ The more insecure a person's entry status and right to work, the greater the potential that they will be exploited. The right of entry and right to work have become subject to increasingly fragmented regulations. Workers may enter the country legally, for example as tourists, but work illegally. Legal entrants such as students, who now have the right to work for up to twenty hours per week during their studies and for one year

⁵ Interview with Paul Chase, National Insurance Manager, Social Security, King's Lynn, 5.8.03

⁶ These data were provided by a reliable source who chose to remain anonymous.

⁷ interview with John Walker, Chief Immigration Officer, Norwich enforcement Unit, 4.8.03

⁸ For example, in the university sector (speech by Gargi Bhattacharya, Association of University Teachers, at Congress House, London at the release of the report *Overworked, Underpaid and Over Here: Migrant Workers in Britain*, July 14th 2003).

⁹ "those who may not have official entitlement to work are often amongst the most oppressively exploited. In agriculture, it has been reported to the TUC that as soon as a worker goes beyond their permission to stay in Britain, their pay rate drops" (Trades Union Congress, 2003, *Overworked, Underpaid and Over Here*, London, July, p23).

afterwards,¹⁰ may over-work or overstay. The plethora of rapidly changing schemes can also involve significant costs for employers, especially those determined to ensure that their businesses operate legally.¹¹ EU nationals with the right to work in Britain may be kept ignorant of employment law, for example on the legal deductions from wages for accommodation – a form of payment in kind.¹²

It has been widely acknowledged that there is massive demand for workers in Britain and that this demand has not been met from within the country. The Government has introduced new work permits for migration to work in certain sectors and, for a few (nursing, railway engineering, and secondary school teaching), has waived the requirement for employers to show that they could not fulfil the demand in Britain.¹³ This can be organised in advance from the country of origin, and is often in fact the result of proactive recruitment on the part of local authorities or government agencies in the source country.

In contrast to the work of nurses, teachers and engineers, work in horticulture, food processing and packaging is extremely irregular, both in terms of location and work availability, and it is seasonal in nature.¹⁴ For workers in low paid food and flower production, processing and packing, there is also a high level of unfulfilled demand. For example, in 2002 one third of the daffodils grown in Cornwall did not make it to market.¹⁵ In anticipation of the government's review of the Seasonal Agricultural Workers' Scheme (SAWS), which allows agriculture students from selected eastern European and Baltic states to work in Britain, a major government report on the agricultural sector advocated that the number of workers permitted under the scheme should be increased from 15,200 in 2001 to 50,000 in 2003. The quota was eventually raised to 25,000 for 2003 and the terms of the scheme relaxed to allow SAWS workers to work for any period during the year.¹⁶ SAWS still provides only a tiny proportion of the required labour force in the sector.¹⁷ The actual level of demand for

¹⁰ Trades Union Congress, 2003, *Overworked, Underpaid and Over Here*, London, July

¹¹ Interview, Sharon Cross, Hostel Personnel Manager, G's Marketing, Ely, Cambs. 11th September 2003.

¹² CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003; *Agricultural Wages Order 2003* (number 1), p 27, London: Agricultural Wages Board for England and Wales.

¹³ Trades Union Congress, 2003, *'Overworked, Underpaid and Over Here'*, London: July, p13

¹⁴ "Seasonality has gone" for consumers, however, and large horticultural businesses respond to supermarkets' year-round stocking of fruit and vegetables by investing in production outside Britain (interview with Kier Petherick, Farm Operations Director, J.B. Shropshire, Ely, Cambs, 11th September 2003).

¹⁵ *The Economist*, April 13th 2002, p39.

¹⁶ Report of the Policy Commission on the Future of Farming and Food, 2002, London, p39. The SAWS scheme had previously only admitted workers between May and November. Report on the Review of the Seasonal Agricultural Workers' Scheme 2002, London: Home Office (Work Permits, UK).

¹⁷ "a drop in the ocean" according to Felicity Lawrence, Guardian journalist, speaking at TUC/JCWI Conference: 'Migrant Workers Rights – Are We Doing Enough in Britain?', July 14th 2003.

workers is unknown.¹⁸ However, because the UK will permit workers from EU accession countries to seek employment in the UK as soon as enlargement takes place (in May 2004), this excess demand for workers may soon be reduced.

Recent evidence given to the Department for the Environment, Food and Rural Affairs by Jennifer Frances of Cambridge University¹⁹ suggests that there has been continuity in the eastern region and elsewhere in Britain in the use of gangmaster-provided labour to cover seasonal shortages. Others confirm this 'It has not been a secret that there have been gangmasters ripping off employees since time began'.²⁰ Supplying workers is big business. The main gangmaster in the King's Lynn area has an annual income of £10million and a profit margin of £1million.²¹

It is not evident that foreign migrant workers, illegal or otherwise, are consistently paid lower wages than the indigenous population – one informant confirmed that he was paid the minimum wage for his work, and £6 when on overtime. However, while this may be the case in theory, by the time a worker actually gets the pay in their hand, a number of 'deductions' may have been made. The same informant stated that he received no wage slip with his pay. Moreover, 'tax' and transport were deducted before he was paid.²² It would appear that the practice of making deductions from wages was widespread and tied to illegal employment practices.

In one case a gangmaster had fifteen workers, and was paid £7.10 per worker by the factory for their labour. He was paying his workers £3 an hour, for their sixty hour week, and charging them £50 a week for the bed. They were also being charged an unknown amount for transport and for the 'hire' of their documents.²³

A CAB in Norfolk reported a case of a group of Portuguese nationals who were paid £3.00 to cut one thousand daffodils.²⁴

¹⁸ according to the report of the House of Commons Environment, Food and Rural Affairs Committee on Gangmasters (September 2003). The same report recommends that new research on casual labour in the agricultural and horticultural industries "should assess the demand for foreign workers and be used to inform decisions about SAWS" (p23).

¹⁹ Jennifer Frances' evidence was given to the DEFRA committee on Gangmasters on 4th June 2003. <http://www.parliament.the-stationery-office.co.uk/pa/cm200203/cmselect/cmenvfru/691-iii/3060401.htm> (accessed 4th September 2003)

²⁰ interview with Councillor Charles Joyce, 31.7.03

²¹ interview with John Walker, Chief Immigration Officer, Norwich Enforcement Unit, 4.8.03. These figures are estimates only. The International Labour Office quoted a figure for gangmasters' turnover of US \$45 million for the UK as a whole in 2001. International Labour Office, 2003, 'Trafficking in Human Beings: New Approaches to Combating the Problem', Geneva, May, p24.

²² Interview with King's Lynn based Chinese migrant worker (translator John Hing), 13.9.03

²³ interview with John Walker, Chief Immigration Officer, Norwich Enforcement Unit, 4.8.03

²⁴ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.2

A Portuguese worker was paid no statutory sick pay during periods of ill-health, his wage slip showed rent still being deducted and therefore he owed money to the agency each week.²⁵

Although the form of labour recruitment for seasonal tasks has continuity with the recent past, the shape of labour demand and supply has been drastically affected by changes in the technology involved in stock-taking and supply ordering by supermarkets and growing concentration in retail groceries.²⁶ Suppliers have no choice but to follow the just-in-time production demands of their buyers because with so few, very large buyers, growers and packers simply cannot afford to lose their contracts. One large-scale grower in Cambridgeshire supplies celery and gem and iceberg lettuce to most of the major supermarkets including Waitrose, Sainsburys, Marks and Spencer, Tesco and Somerfield. The Tesco business alone is worth £40 million – the company cannot afford to lose it.²⁷

The Farm Operations Director, Kier Petherick, strongly refuted the idea that the supermarkets were causing downward price pressure on growers. He explained how supermarkets faced stiff competition from other retailers. Take the iceberg lettuce price, for example. Mr Petherick explained that ASDA set the price for Tesco and Sainsbury's. If the ASDA retail price is 59 pence per lettuce, the Tesco and Sainsbury's buyers will "get a bollocking" if they are unable to source icebergs at within ten per cent of the price required to retail at 59 pence.²⁸ However, ASDA prices are under pressure from Lidl and Aldi, who buy entirely according to who the cheapest supplier is on a particular week, rather than contracting their own dedicated suppliers.

It has been argued by others that the market power of supermarkets has driven farm-gate prices down and pressured producers to seek the lowest labour costs and that this has served to encourage unscrupulous gangmasters.²⁹ Long-term residents have also reported difficulties getting paid by gangmasters, or losing work if they complain about conditions. For Mr Petherick, on the other hand, using agency labour is much more costly than the SAWS workers who he puts up in his hostel. Because of the size of the Shropshire Group operations, it is possible to keep unit labour costs low and still follow legal stipulations over working hours, the minimum wage, holiday pay, accommodation charges etc. Indeed, Shropshires could not afford to be seen to be hiring workers through unscrupulous agencies or gangmasters and

²⁵ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.4

²⁶ On the relationship between changes in the organisation and structure of retailing and the shape of demand for horticultural workers, see the Report of the House of Commons Environment, Food and Rural Affairs Committee on Gangmasters, September 2003, pp5-6.

²⁷ Interview Kier Petherick, Farm Operations Director, J.B. Shropshire, 11th September 2003.

²⁸ Interview, 11th September 2003.

²⁹ Sarah Glenn, King's Lynn Borough Council, Migrant Workers – Interim Report, September 2003. The House of Commons Environment, Food and Rural Affairs Committee on Gangmasters came to the same view (September 2003, p11).

has drawn up a detailed and rigorous code of practice for the occasions when it does have to resort to outside labour suppliers.³⁰

Smaller growers may be under enormous pressure because of the higher costs they face per worker in enforcing employment law when they contract gangmaster workers. Such workers may also be signing on as well – illegal employment practices stretch beyond migrant workers.³¹ However, because of an improvement in the UK economy, the proportion of long term residents working in horticulture and packhouses has declined, as has internal migration for such work from the north of England.³²

There are enough people in this country to do these jobs, but there are not enough people willing to do them...it is a young person's job, or a second wage, you can't pay your mortgage on it...so migrants are filling the vacuum'.³³

European Union workers, including many Portuguese nationals, enter Britain and seek work legally. However, several have reported facing illegal employment practices. Cases documented by the Citizens Advice Bureau from EU workers seeking advice often state that they are in fear of their employers, with one Portuguese worker describing the agency employing him as the 'King's Lynn Mafia'. In another case, when a Norfolk CAB was trying to resolve the employment issues of a group of Portuguese workers, it had to seek the help of the police, as the agency in question had brought along their own 'security' people.³⁴

Bernard Matthews is seen as an example of an employer which intends to demonstrate good practice in its use of foreign migrant labour. As they recruit directly in Portugal they cut out the middle man or agency. They give their workers three weeks of English tuition at a local college, ensure workers receive Health and Safety training, and that there is a Health and Safety officer on the factory floor who speaks Portuguese. They provide their employees with a welcome pack in Portuguese, which gives information about the local area. All workers are able to claim back, and receive, their emergency tax when they have completed their contract.³⁵

The experience of exploitative and illegal employment practices is not confined to undocumented migrants. However, lack of legal status as an entrant or worker in the UK increases its likelihood. Some of the major problems occur in the charges made for accommodation (see section on

³⁰ G's Marketing Ltd, 2003, Agency/Gang Procedures, 2003.

³¹ interview with Councillor Charles Joyce, 31.7.03. See House of Commons Environment, Food and Rural Affairs Committee report on Gangmasters, September 2003, p9.

³² Sharon Cross, Hostel Personnel Manager, G's Marketing, Ely, Cambs, 11th September 2003.

³³ interview with Councillor Charles Joyce, 31.7.03

³⁴ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.7

³⁵ interview with Abraham Eshetu, Diversity Officer for Norfolk Constabulary, 6.8.03

housing below). We recommend a relaxation of entry requirements so that would-be workers can enter Britain and seek work without having to demonstrate they have a job lined up or being part of a narrowly defined sector-based scheme. In parallel we support the introduction of a rigorously enforced statutory registration scheme for gangmasters.

Housing

There are two main issues regarding housing and migrant workers, the quality of the accommodation available or provided to them by the agencies or gangmasters, and the fact that it is tied to their employment.

The first issue, that of quality, is typically linked to the practice of houses of multiple occupancy (HMOs). A recent series of immigration officer raids on houses occupied by Chinese migrant workers found up to eleven people living in three bedroomed houses, although up to twenty names were registered at each address.³⁶ This find lends credence to the local belief that 'they do hot bed'³⁷, that is, as one person gets up and goes to work, another goes to bed in their place. From September 2002 there had been complaints from residents of the Fairstead estate about thirty people sharing a house. In response to this a police officer went round to the neighbours of the houses in question to explain the situation to the residents – 'it was more fear of the unknown than any actual problems'. The new post of Minority Ethnic Liaison Officer (MELO) was intended to establish proactive community engagement. This engagement proved necessary: by the early summer of 2003 the number of HMOs in the area had increased to about seventy, with people moving between houses very frequently.³⁸

Over-occupation of houses has caused some particular problems. The fire on the Fairstead estate, King's Lynn in June would seem to have been the result of an inappropriate use of the electricity supply stemming from the over-loading of circuits, caused by too many people living in the property.³⁹

More typical however, is the run down appearance of the houses involved – they tend to be the target of vandalism and racist graffiti – 'you can tell the migrant houses by the boarded up windows'.⁴⁰ This in turn increases local hostility to their presence, and perpetuates the belief that the houses are dangerous: 'their squalid lifestyle with up to forty of them sharing accommodation means that *they are absolutely a health risk*' [emphasis

³⁶ interview with John Walker, Chief Immigration Officer, Norwich Enforcement Unit, 4.8.03. The raids took place on 23rd to 25th July 2003 in the King's Lynn area.

³⁷ interview with Councillor Charles Joyce, 31.7.03

³⁸ interview with Tony Lombardi, Minority Ethnic Liaison Police Officer-Western Area, King's Lynn, 5.8.03

³⁹ Police statement delivered to the Emergency King's Lynn Borough Council Meeting, 11.7.03

⁴⁰ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03

added].⁴¹ This is partly the result of the fact that the conditions in which the migrant workers are living are significantly, and noticeably, below those of the surrounding local population.

However, this does not automatically mean that recent and temporary migrants have the same reaction to their accommodation as the surrounding settled communities. Multiple occupation of houses has been common among other migration streams, for example the migration of male manual workers from India in the 1960s. It can provide migrant workers with a ready-made community of fellow nationals, in a region where they otherwise feel isolated and unwelcome.⁴²

However, the rapid movement of individuals between houses and jobs can break down any support networks or common ties.⁴³ As a result of the increased media attention on these houses after the Fairstead fire, gangmasters have been moving people around between properties on Sunday afternoons, in order to leave a property empty for a time to reduce suspicion.⁴⁴ Problems may also occur when people of different nationalities are housed together:

Different nationalities share accommodation which leads to language problems: without any notice other people are moved in. Some legal workers must have been told they are illegal, so keep their heads down and put up with appalling conditions both at work and in their accommodation.⁴⁵

Inter-personal tensions between inhabitants, or the coercive attitude of agencies/ landlords can lead to violence or the threat of violence, with some people 'voluntarily' leaving accommodation because of abuse.⁴⁶

If the local resident population is to be encouraged to show greater understanding towards migrant workers in HMOs in their area, then some insight into the reasons behind their situation is important. The fundamental point to highlight is that the migrants have little or no choice over either the location or quality of the accommodation they are able to find. One Chinese migrant worker explained how he shared a two-bedroomed house with seven other occupants – the rent is £600 per month, paid in cash, and having that number of occupants is the only way they can cover the cost. They are unable to move to cheaper accommodation because people are unwilling to rent to them because they are Chinese, and they are hampered by the lack of

⁴¹ letter from J. D. Smith, director of Pertemps Recruitment to Mr Henry Bellingham MP, 28.7.03

⁴² interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁴³ interview with King's Lynn Chinese migrant worker (translator John Hing), 13.9.03

⁴⁴ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁴⁵ evidence from interpreter at a Norfolk CAB, CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.8

⁴⁶ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.5

informal 'word of mouth' networks which people often utilise to find housing.⁴⁷ This experience points to racism within the housing market, and to the additional isolation of individuals who have no wider contacts. The existence of such contacts would give them access to information such as the true rental value of their house and regarding other places to stay.

This informant and his co-residents worked for an agency but are not housed by them. However, in many cases it appears that gangmasters/agencies maximise their profit from workers, and their control over them, by also providing them with accommodation. There is much cause for concern in the way in which housing and employment are so closely tied.

It is common for an agency, or gangmaster to provide housing, typically in the form of a shared room, and to deduct rent from the employee's wage at the end of the week. The use of HMOs appears to be a means for agencies to increase their incomes, as they may charge each occupant up to £50 per week in rent. Some agencies, rather than owning properties, have been block-renting houses, which they then sub-let to their workers on a per capita basis.⁴⁸ This presumably has the advantage over buying houses, of needing less capital and allowing more flexibility should the foci of employment shift significantly.

A Spanish worker, employed by an employment agency in the Swaffham area was given accommodation on a caravan site. There was no water supply in the caravans and water had to be carried from the main supply base. There were two toilets and showers to be shared by over fifty men, women and children. There were three people to each caravan and they were charged £75 per week. On one occasion three 'African' men were deposited at the site, armed with knives, where they proceeded to terrorise the inhabitants. The Portuguese workers finally succeeded in locking them in a caravan and called the police. However, before the police arrived, the gangmaster appeared and told all the employees that they must not make statements or else their jobs would be lost and they would be made homeless... Conditions were made worse on the site by the presence of rats...[In another house in which the informant was placed] the driver of the van would enter houses and bedrooms uninvited and take advantage of female employees. [The van driver] also sells drugs to the employees as a method of control.⁴⁹

It is clear that employment issues, such as pay and terms and conditions, are strongly interconnected with housing issues: 'when a problem arises with the job, the pay or the accommodation, the worker is uncertain of their rights to remain either in the UK or in the accommodation'. Very often a worker who has faced dismissal will also face imminent eviction, commonly being given

⁴⁷ One worker described his house-mates as 'fair-weather friends', unwilling to give support in times of real need [interview with King's Lynn Chinese migrant worker (translator John Hing), 13.9.03]. The normal rental value of a two bedroomed house in the area is approximately half that figure. They are paying council tax on top of the rent.

⁴⁸ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁴⁹ King's Lynn CAB case file 254/0304

only a day's notice to quit. This is despite the fact that at least some CAB clients affected by this have had assured shorthold tenancies and therefore should be entitled to at least two months' notice. However, in many cases workers are not given either rent books or copies of tenancy agreements.⁵⁰

There have been two recently reported cases of Portuguese workers being forcibly evicted by men with baseball bats.

When one agency worker moved out of agency accommodation into private housing the amount of work they were given by the agency reduced significantly and then stopped.⁵¹

HMOs have been one of the most visible features of the presence of foreign migrant workers in King's Lynn and they have been one of the main flashpoints with the local population. However, while there may be causes for concern regarding the over-occupation of housing, the real issue lies in the fact that HMOs are one of the most obvious symbols of the marginalisation and exploitation of migrant workers. Workers are unable to engage in the local housing market on an equal footing, so they are, at best, subject to significant over-charging. At worst, their accommodation is tied to their employment, leaving them open to illegal deductions from their wage packets, immediate eviction if laid off, arbitrary demands for money and threats or actual violence.

It is not clear how the current council policy of cracking down on HMOs⁵² will actually improve the living conditions of migrant workers, as evidence suggests that they are simply being moved around more frequently, or possibly out of the area. By itself the best this policy will achieve will be to remove the problem from West Norfolk, rather than cutting off an avenue of exploitation of these workers. A combination of focusing on illegal employment and payment practices, and increasing the availability of information for workers in appropriate languages regarding housing rights, fair rents and available support services (such as the CAB) within a context of legal migration for work would prove to be a more effective long term strategy.

Health

There has not been a significant use of the health services by temporary migrant manual workers in the recent past. This is assumed to be because the majority of such workers are young men, a sector of the population who typically have a low level of health care needs. Owing to the highly mobile nature of their work patterns it might be assumed that workers are accessing services in other parts of the Eastern region and possibly beyond.⁵³

⁵⁰ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, pp.2-5

⁵¹ telephone interview with Carol Hughes, King's Lynn Citizens' Advice Bureau, 26.8.03

⁵² As detailed by council representatives at the King's Lynn and West Norfolk Council emergency meeting, 13.7.03

⁵³ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

'We are in a honeymoon period. Now the workers have work and are fairly healthy. What will happen when they become ill or unemployed?'⁵⁴

This however, does not mean that there are no issues surrounding migrant workers' access to health care, in fact in the words of one senior health official, 'we're in a bit of a pickle and I'm very frustrated about it'.⁵⁵ Put simply, the health services have a very limited understanding of the health needs of the migrant worker communities and have no resources to target them. At the same time there is a very real concern that many workers are not accessing medical care because of their illegal status, or are leaving health problems until they reach crisis point before seeking help.

Where contact has been made with migrant workers it has revealed a number of on-going medical conditions, including stomach ulcers, asthma, heart and back problems and arthritis, some of which have been exacerbated by field or packhouse labour or living conditions. There have also been cases of severe mental illness, and an ongoing problem with sexual and reproductive health, including miscarriages and the need to access terminations by women.⁵⁶

Evidence suggests that there is a direct correlation between the legal status of a worker, and their willingness/ability to seek necessary medical aid. Doctors' surgeries will only register foreign migrants if they have an address and proof of their legal status, either as registered workers, asylum seekers or as EU citizens. For example, there are currently about 1,200 Portuguese nationals registered with a GP in the Thetford and Swaffham areas, and this is thought to represent about one third of the total Portuguese population.⁵⁷ Although less well documented, there seems also to be evidence that 'Eastern Europeans' who are on official schemes have also been accessing health services.⁵⁸

The Chinese migrant population, in contrast, is 'in no man's land at the moment'.

'We know people are there, but the Chinese especially aren't using services. There are so many other pressing issues and they're not causing a bother and so they get ignored.'⁵⁹

Undocumented migrants with either ongoing medical conditions or sudden health needs turn to the local A&E department at Queen Elizabeth hospital because they can walk in and self refer, without having to go through a doctor. Such is the depth of ignorance over how they may freely access services themselves, Chinese migrants wait until their condition is acute, and then call

⁵⁴ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area

⁵⁵ interview with John Rees, Director of Public Health, West Norfolk PCT, 5.8.03

⁵⁶ evidence from front-line workers at Accident & Emergency, Queen Elizabeth Hospital, King's Lynn, and interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁵⁷ Figures provided by a reliable source, who chose to remain confidential.

⁵⁸ interview with John Rees, Director of Public Health, West Norfolk PCT, 5.8.03

⁵⁹ interview with John Rees, Director of Public Health, West Norfolk PCT, 5.8.03

the police who then take them to A&E.⁶⁰ There is some evidence that when a worker falls ill or is injured then it 'is taken care of' by their middleman or gangmaster. This would apparently include seeking out NHS services if necessary.⁶¹

Occasionally migrants who are illegal are able to access emergency care at A&E because staff do not need any documentation or even proof of address. There are certain problems associated with this use of the service. A&E is exactly that -accident and emergency - and is not geared towards providing treatment of ongoing conditions, or sustained follow-up care. Migrants are also presenting themselves with conditions that can be more properly treated at the primary care level. However, the lack of access to GPs and primary care screening services means that illegal migrant workers have little option but to use A&E.

As with A&E, the GUM (sexual health) clinic sometimes finds that foreign migrants - mainly Portuguese, southern African, Russian, Mongolian or Chinese - present themselves for a range of reasons which are not strictly within its remit. Women who don't have a GP come for treatment for 'anything reproductive', from heavy periods to seeking terminations.⁶² This would seem to be due to the fact that the GUM clinic has a self-referral system and that it stresses complete confidentiality at every stage. It is also able to provide follow-up and aftercare on the same basis. The reputation of the clinic has apparently spread amongst workers by word of mouth.

The issue of migrant workers and mental health is even more problematic, as the example below highlights. We have not been able to discover the extent to which mental health problems are either experienced or acknowledged within the migrant worker community. Given the high degree of uncertainty, exploitation and fear in their lives, the level of isolation from any wider community, poor housing conditions and cultural dislocation, it would be reasonable to assume that there are ongoing and unrecognised mental health issues among foreign migrant workers. There appears to be a degree of confusion among local agencies over exactly what they are and are not able to provide in these circumstances, with the result that migrants are left in an unacceptably vulnerable position.

A 23 year old female Chinese undocumented migrant with apparently severe mental health problems was neither voluntarily admitted nor put under mental health section at the Fermoy Unit, Queen Elizabeth
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⁶⁰ Interview with King's Lynn based Chinese migrant, 13.9.03 and telephone conversation between Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital and Matron of Orthopaedic Ward and Fractures Department, in presence of Becky Taylor, 17.9.03. When these patients are discharged they are arrested, although the hospital does not inform the police. The hospital usually works with the relevant embassy in order to ensure they receive appropriate aftercare.

⁶¹ interview with Kwai Li, King's Lynn Chinese Association, 20.8.03

⁶² telephone conversation between Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital and Dr Kumar, GUM consultant, in presence of Becky Taylor, 17.9.03

Hospital, King's Lynn. The women's refuge kept her for three days, but owing to her disturbed condition were forced to ask for her to be removed. Cambridgeshire Police acted on this request by attempting to contact the Minority Ethnic Liaison Officer at King's Lynn police station or the YMCA asylum outreach worker. When these avenues failed they dropped her off outside the police station and let her walk away. To their knowledge she had nowhere to stay, had no money and spoke little English.⁶³

The health service currently does not have the resources to provide an outreach worker for temporary migrant workers. Following an attack on a female worker in 2002, female health personnel are only meant to go out in pairs, and currently there are not the resources to field such a team.⁶⁴

There are some resources which exist to help GPs and health professionals when dealing with asylum seekers and refugees, notably HARP (the health for asylum seekers and refugees portal) which provides information on a range of topics, including mental, physical and sexual health, housing and translation. West Norfolk PCT is in the process of employing a project worker to identify the health needs of the asylum seeker and migrant worker populations.⁶⁵ It may be useful to explore the possibility of encouraging the use of NHS Direct by migrant workers as a means of accessing some level of non-emergency health advice.

In summary, undocumented migrant workers have little contact with the health services. While this must partly be due to the fact that many are young and healthy, there is also clear evidence that on going and emergency medical complaints are either not being treated at all, or only to a very limited extent. This may in part be because of a lack of understanding about the availability of health care in the UK, but seems largely to be linked to the legal status of migrant workers. Put simply, the more legal the status an individual has, the more likely it is that they will seek out and receive appropriate health care. And conversely, the more vulnerable and illegal the status a worker has, the less chance they have for finding treatment.

The Case of the Two Broken Legs

In the course of conducting this research we received from two independent sources the allegation that an undocumented migrant who had broken both his legs and was treated at the Queen Elizabeth was provided with neither a wheelchair nor crutches upon being discharged.⁶⁶ This story seemed to support the idea that undocumented migrants in particular have extreme difficulty accessing even basic health care, and possibly face discrimination from front line medical staff.

⁶³ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03, interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03

⁶⁴ Interview with John Rees, Director of Public Health, West Norfolk PCT, 5.8.03

⁶⁵ Interview with John Rees, Director of Public Health, West Norfolk PCT, 5.8.03

⁶⁶ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03 and interview with King's Lynn based Chinese migrant, 13.9.03.

However, on closer investigation,⁶⁷ while the substance of the story may indeed be true – that a migrant broke his legs and left without crutches, and that illegal migrants may not receive full aftercare – the actual issues raised by this case are very different.

It is reportedly common, when foreign migrant workers receive emergency care that they ‘disappear when your back is turned’. They may leave before treatment is completed and before being officially discharged, or fail to return for outpatient follow-up appointments. In the case of the man with the broken legs, it would seem that he left before being transferred to the physiotherapy department to receive appropriate support and training.

We were not in a position to investigate whether or not hospital staff discriminate against undocumented migrant workers. However, interviews with staff suggested that there is a major issue of fear among migrant workers. They worry that the longer they are in the hospital the more likely it is that they will be picked up by ‘the authorities’. In fact, hospital staff do not ask, and are not interested in, the legal status of their patients, and have been advised by the Minority Ethnic Liaison Officer to mention neither the police or immigration when dealing with such patients, for fear of scaring them away.⁶⁸ The fact that some foreign migrant workers may not understand this indicates that there is a lack of communication and understanding between them and staff, which needs to be recognised by the hospital. This is however, a very different matter than discharging someone without any crutches.

This case usefully highlights another issue - that of inter-agency co-operation and understanding. One of the sources for the original story was in a good position to check directly with the hospital that the man’s understanding of his position was correct. If agencies do not chase up such allegations then they can neither challenge the inappropriate behaviour of other agencies, nor indicate to migrant workers when they have simply misunderstood their experiences with front line staff.

Translation and Language

A key issue in the treatment of foreign migrants by the authorities, which highlights both resources and attitudes, is that of translation and interpretation. In 1998 problems around language and translation were identified as an area that needed considerable attention by official and government agencies in Norfolk.⁶⁹ This research has found that many issues identified in that report have not been resolved, and that language is a key link

⁶⁷ telephone conversation between Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital and Matron of Orthopaedic Ward and Fractures Department, in presence of Becky Taylor, 17.9.03.

⁶⁸ interview with Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital, 17.9.03

⁶⁹ D Malcolm ‘West Norfolk Ethnic Minorities Research Project’ University of Leicester, 1998

in the chain of the exploitation of foreign migrant workers, as well as being a determining factor in migrants' interactions with the authorities.

Many foreign migrant workers speak little or no English, and this clearly has major implications for their experiences of working in this country. Not only do such workers have a limited grasp of the working and employment norms of the country, but if they feel that they have been unfairly treated or their pay miscalculated, then they often are unable to make their point confidently with their employer. More than this, evidence from the CAB suggests that employers deliberately misunderstand their complaints, or pretend not to understand, or refuse to find an interpreter, in order to dissuade the complainant from taking the matter any further.⁷⁰

Although unscrupulous agencies clearly capitalise on the vulnerability of their foreign employees, they are not the only ones making a profit on the back of the language difficulties of migrants. Fellow nationals who speak English act as mediators with the outside world and as gatekeepers to key resources, particularly employment and providing documents. They charge migrants, not so much for their actual translation services but for the access to the information or resource the migrant needs. In this context language is power and migrants have to pay for the 'cost' of translation or find themselves without work or accommodation.

An employment agency employs a Chinese worker who also speaks English. He works in the office at the factory, and translates on the factory floor when he is needed: 'There are twenty Chinese workers in the factory and he charges each of us £2 a day for interpretation. He comes round to my house at the end of the week to collect his money. If we don't pay him we don't get any work the next week.'⁷¹

One informant who had been in the King's Lynn area for three years, and who did not speak any English, felt that his lack of language skills played a major part in worsening his position. However, he did not have any spare money for lessons, and would not be able to attend classes during the day because of work commitments. For others, who move around the country following employment, there is an issue of continuity of learning, as continual migration makes the provision of sustained language classes extremely difficult.

The issue of language is no less problematic when migrants are dealing with the authorities than with their employers, however, the questions raised are different. Although in theory there should be no problem when an individual who doesn't speak English comes into contact with the authorities or care services - owing to the existence of independent interpretation services - in practice things can be problematic. There are two main issues regarding interpretation and official bodies – the first is the debate over whether to use

⁷⁰ King's Lynn CAB 254/0304 and 255/0304

⁷¹ interview with King's Lynn based Chinese migrant worker, 13.9.03

accredited or non-professional translators, and the second is around the willingness of individuals within official bodies to use interpretation at all.

From April 2002 to March 2003 INTRAN⁷² was accessed 1497 times by agencies in West Norfolk (this figure includes 107 uses of British Sign Language). The biggest demand was for Portuguese (473 times), Russian (432) and Chinese (Mandarin and Cantonese together were used 187 times).⁷³ While these figures may give a reasonable picture of the relative presence of different language groups in West Norfolk, as with all official figures, these must be taken simply as the minimum number of times interpretation was needed in the course of contact with foreign clients.

What has emerged is that despite the availability of Language Line and CINTRA, local authority workers and other officials have a reluctance to use these services. This is partly because Language Line is expensive, and because it takes a long time to conduct an interview using this method. CABs and the local asylum seeker and refugee support charity, KLARS, both have difficulties in finding translators who are able to offer their services free of charge or at a small cost.⁷⁴ As a result, some services, such as the National Insurance application system, seem quite willing to accept an interpreter provided by the client, often a friend, or someone from their employer.⁷⁵ Using a friend can give a migrant worker confidence in an interview or official situation, 'I don't want someone I don't know and trust to speak for me...I wouldn't know [if an official person] was helping me or causing trouble'.⁷⁶

Interpretation can also be one means for members of the temporary migrant worker community to make contact with individuals from among settled migrants: Tony Lombari, the MELO police officer, makes a point of using interpreters from this group in order to facilitate new relationships.⁷⁷

However, there are some procedural questions raised by the use of a client's own interpreter in certain official situations, as they can influence the direction

⁷² INTRAN is a local partnership of Language Line, CINTRA (Cambridgeshire interpreting / translation services) and Deaf Connexions created by local authorities in Norfolk. Language Line would tend to do over the phone interpretation, and CINTRA face to face translating.

⁷³ INTRAN official figures provided by Paul Smith, King's Lynn and West Norfolk Council, General Housing Services.

⁷⁴ CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.8 and interview with Louise Heinemann, KLARS, 2.9.03

⁷⁵ Interview with Paul Chase, National Insurance Processing, Social Services, King's Lynn, 5.8.03

⁷⁶ interview with King's Lynn based Chinese migrant worker, 13.9.03

⁷⁷ personal communication with Tony Lombari, 28.8.03. In their response to the first draft of this report Norfolk Constabulary Diversity Unit stressed that the MELO "only uses interpreters from inside the settled community to initially making introductions of himself in his role to engage the community. For any official and legal work involvement he is obligated by Force and ACPO Policy to use a qualified Interpreter through Norfolk Constabulary's official interpreting service providers."

of an interview and not be impartial.⁷⁸ Technical, medical or legal translation can raise the issue of a simple lack of vocabulary on the part of someone who otherwise speaks perfectly fluent conversational English.

Following a complaint over the use of an inappropriate translator at Queen Elizabeth hospital, the Trust instigated a firm policy of insisting that official and independent translation is used in all cases except extreme emergencies. Despite the high financial cost of such a policy and the fact that the hospital does not have a specific budget to cover it, the Trust believes that it is vital in order to ensure that patients are receiving high quality and appropriate care.⁷⁹

Beyond the issue of professional versus unqualified translators lies the obvious reluctance by some staff members in different government agencies to engage with foreign migrant workers, preferring to turn them away, or pass them onto someone else, rather than dealing with them then and there:

'Front line staff, if they see anyone with foreign language needs, they send them straight down to [us]... The same couple of names keep cropping up - they are unwilling to access Language Line themselves, and expect [us] to do the donkey work'⁸⁰

One Chinese informant stated that when the police intervened in problems between local youths and migrants on the streets, they refused to find an interpreter in order to allow the Chinese to put their side of the story.⁸¹

There is also evidence of staff at local doctors' surgeries being unwilling to use Language Line or find suitable translators.⁸² Beyond this there is the question of the use and availability of appropriate translators for personal and medical problems – one GP gave a recent example of a twenty-eight year old man acting as translator for a sixty-three year old Portuguese woman. The local hospital has identified the problem that when a patient is referred to it by a GP, no indication is made that the patient needs interpretation, and without notice it can be problematic to find an appropriate translator.⁸³

Some services have translated certain leaflets or documents into different languages. For example, the National Insurance application process has a questionnaire and briefs in thirty different languages, and has a letter inviting people to interview in Portuguese.⁸⁴ Queen Elizabeth hospital is in the process of adding the question 'do you need translation?' in twelve different

⁷⁸ personal communication with Paul Smith, King's Lynn and West Norfolk Council, General Housing Services.

⁷⁹ interview with Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital, 17.9.03

⁸⁰ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁸¹ interview with King's Lynn based Chinese migrant worker, 13.9.03

⁸² interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁸³ interview with Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital, 17.9.03

⁸⁴ interview with Paul Chase, National Insurance Processing, Social Services, King's Lynn, 5.8.03

languages to its standard outpatient letter, in order that they may have available a translator of the appropriate gender for the time of the appointment.⁸⁵

The language barrier is clearly a major part of foreign migrant workers' experiences of both employment and their interaction with official agencies of all kinds. Without knowing English, migrant workers are open to exploitation from both their employer/landlord and fellow nationals who can speak English and require heavy payment for their translation services. There is a high level of willingness among many workers to learn English, but an issue over cost and timing of tuition. With resources from the College of West Anglia, KLARS and the King's Lynn Chinese Association are currently trying to organise classes at the local college, but face a problem with funding if the students have no documentation.

While there are times when foreign migrants will feel happier providing their own interpreter, in other cases it is more appropriate to use an independent and accredited translator. This decision should not be made on grounds of cost or convenience, but on best practice and quality of service delivery. Council and other staff should be given suitable training and support to ensure that they feel comfortable with using translation services, as has happened at Queen Elizabeth hospital, rather than preferring to pass clients onto another agency. If the council or other agencies are wishing to inform foreign migrant workers of services or rights, including the existence of translation services, then leaflets translated into most frequently encountered languages – including, at present, Portuguese, Russian and Chinese- are vital.

Crime, Racism and Community Tension as Experienced by Migrant Workers

The dramatic press coverage of the summer, which has tied the increase of Chinese workers to the town, with snakeheads and Triads, has made an association in the minds of many local people between migrant workers and crime.

Chinatown shooting link to Norfolk

Officers of the Metropolitan police have been in King's Lynn to investigate links to a fatal shooting in London's Chinatown

You Yi He, 37, was drinking with friends in ...[a]...bar in Gerrard Street on Tuesday when he was shot twice by a lone gunman. He died later in hospital. Detectives believe the killer may have travelled from the Norfolk town, which has seen a huge increase in the Chinese population. In the last nine months the number of Chinese people living in King's Lynn has increased from 300 to nearly 2,000. Some are living 40 to a house.

⁸⁵ interview with Gwyneth Wilson, Director of Nursing and Service Quality, Queen Elizabeth Hospital, 17.9.03

Leading Chinese figures in Norfolk have told the BBC they believe that snakehead gangs – part of the notorious Triad – have been largely responsible for bringing in the economic migrants. The migrants' paperwork is then taken off them by the gangs. This makes it almost impossible to deport them as China will not accept them without their papers. Witnesses describe the gunman as of Chinese appearance, aged 20 to 23. He had long hair with a fringe and red highlights at the back.⁸⁶

Yet, the reality is that migrant workers are considerably more likely to be victims of crime than to perpetrate it.

The Minority Ethnic Liaison Officer for Norfolk's Constabulary's Western Area has identified the different experience of crime among the different migrant worker populations.

There have been several incidents of racially motivated crime perpetrated against the Portuguese population, particularly the black members of this community, while socialising in pubs and clubs. There is some evidence that they have been victims of illegal working practices. The Chinese community are regularly victims of racially motivated assaults, verbal abuse, street robbery and damage to property. They have experienced extortion from gangmasters, middlemen, and "enforcers" in connection with illegal working practices as well as incidents of kidnap and murder. The Eastern European community have experienced some racially motivated crimes but on a much smaller scale than other ethnic minority communities.

The two main forms of crime against foreign migrant workers are extortion and violence from gangs and gangmasters and racism, and attacks from the local community.

Extortion

This issue has been touched upon at points throughout the report, but it cannot be stressed enough that extortion can often be the experience of foreign migrant workers throughout their stay in the UK: 'there is no way out, if they deduct it, they deduct it. Where can I complain?'⁸⁷

Migrant workers are 'paying hand over fist'. As well as being charged up to £50 a week for a bed, they are typically charged between £7 and £12 a week

⁸⁶ BBC News: <http://bbc.co.uk/go/pr/fr/1/hi/england/norfolk/2967848.stm>. A Chinese interviewee stated that although individuals sometimes turned up in King's Lynn and claimed they were part of a snakehead, the truth is more often that they are pretending in order to gain respect and a footing within the community. The fact that the Chinese migrant community of King's Lynn is made up of individuals from all over China, and snakeheads tend to be very regionally focused and tight-knit, has inhibited the development of snakeheads in the town

⁸⁷ interview with King's Lynn based Chinese migrant, 19.9.03

for transport. On top of this they may be charged 'transit tax' and 'tax tax' of £50, which, if they do not pay, means no work for the following week. In other cases workers have been told that 'team productivity was down' and therefore they are not receiving any pay for that week.⁸⁸

Portuguese workers, who are here perfectly legally are still subject to abuses from their employers. Their employment agency will often charge the factory £7 /hour for their labour, but pay the worker only £4.20. Many workers, who are here for three or four months and are not given a NI number are charged emergency tax. Some agencies have been known to claim back the tax and keep it rather than passing it on to the worker:⁸⁹ 'the whole situation has the components of a Mafia. The agencies appear to have control of everything – housing- work -black market goods –drugs –transport -Portuguese club – shop.'⁹⁰

There is compelling evidence to show that female undocumented Chinese migrants are being used as sex workers to service the male migrant population. There is some concern over whether they have access to contraception and safe sex resources, and at least four sex workers approached Social Services in 2002 in order to terminate pregnancies.⁹¹

There would seem to be a correlation between the level of violence and extortion experienced by a migrant worker and the involvement of Mafia-style gangs in their immigration and employment status. It has been suggested that this is due to the hierarchical nature of these organisations, and the need to frighten them into doing what the gang wants them to do. For this reason immigration officials believe that violence against migrant workers is concentrated, although by no means exclusively so, on Chinese migrants, and those brought into the UK by Albanian Kosovan gangs. Immigration officers have evidence of Chinese 'enforcers' armed with knives and imitation firearms, who seem to exert considerable control over migrant workers, threatening violence and extorting money from them. Individuals have been beaten up and hospitalised for refusing to pay out money to these men.⁹²

Racism

The press (and populist politicians) have whipped up antagonism towards all non-UK nationals.... who have come to settle in the UK. Tensions have built up in the local community because of the economic situation these Portuguese workers are experiencing. Many are young, on low wages or unemployed and in poor, over

⁸⁸ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03

⁸⁹ interview with Abraham Eshetu, Diversity Officer for Norfolk Constabulary, 6.8.03

⁹⁰ King's Lynn CAB 254/0304

⁹¹ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁹² statement by Norfolk Immigration Enforcement Officer to King's Lynn Borough Council emergency meeting, 11.7.03; interview with John Walker, Chief Immigration Officer, Norwich Enforcement Unit, 4.8.03.

crowded accommodation causing tension with neighbours already fuelled with the prejudices of the media and the populist politicians.⁹³

In North Lynn and Fairstead 'the little white vans' which transport the migrant workers to and from their places of employment are blamed by some locals as increasing tension as they make the workers so visible, 'the vans are the sore thumb of the issue'.⁹⁴ This attitude ignores the experience of hostility faced by many migrant workers to Britain, and instead places the blame for the difficulties on the behaviour of the workers themselves.

Chinese workers have been spat on and abused by locals when getting off the work buses at the end of the day.

People have been ignored when they have tried to be served in shops, or had the door shut in their face.

One Chinese man was thrown off a bus, even though he had a ticket other passengers shouted at him until he got off: 'I think they didn't like me'.⁹⁵

Portuguese workers have been racially abused when they have attempted to visit local pubs.⁹⁶

As indicated above, although HMOs and the visible living conditions of migrant workers have been the target of much hostility, migrants are rarely in such accommodation through choice, but as the result of unfair employment and renting practices. However, this is not understood by surrounding inhabitants, who very often simply condemn and target migrants for their housing conditions. There have been numerous reports of houses in the Fairstead estate, which are accommodating Chinese workers, having their windows repeatedly smashed: 'yes, I have that *normal problem* of having my windows smashed...the children do that'.⁹⁷ Migrants feel that they are seen as an 'easy target' by local youths, who harass them in the street and break in and steal their belongings.⁹⁸

There is no point in complaining, because although we may be the victims we will always be blamed.⁹⁹

One woman, who lived next door to a 'Chinese house' had a gang of Chinese people turning up and starting to smash her windows. When they saw they

⁹³ CAB Social Policy co-ordinator, CAB evidence 'Gangmasters' submitted to the Environment, Food and Rural Affairs Committee sub-committee enquiry, April 2003, p.7

⁹⁴ interview with Cllr Charles Joyce, 31.7.03

⁹⁵ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

⁹⁶ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03

⁹⁷ interview with a King's Lynn based Chinese migrant, 19.9.03

⁹⁸ interview with King's Lynn based Chinese migrant worker, 13.9.03

⁹⁹ interview with King's Lynn based Chinese migrant worker, 13.9.03

had the wrong house, they simply moved next door, and proceeded to smash up all the windows of the neighbouring property.¹⁰⁰ It is not clear whether this incident indicates local settled Chinese resentment against the new migrants or whether the perpetrators of this attack came from further afield.

The rise in racial tension in King's Lynn in the last year has been indicated through an increase of racial abuse and attacks on the settled population of Chinese origin, both in the street and school.¹⁰¹

Since 1995 there has been an increase in the number of reported incidents of race crime in Norfolk, from twelve to about four hundred in 2002. Despite the increased confidence of the BME community in the police's treatment of their cases, the Commission for Racial Equality estimates that only 5% of all race crimes are reported. Norfolk Police accept that as well as the problem of crimes going unreported, there may be a problem with the 'misidentification of incidents'. That is, where crimes were racist in intent, but this has been missed or ignored, either by the victim or the police.¹⁰²

The difficulties experienced by individuals from the British BME communities in reporting crimes, and race crimes in particular, are compounded for undocumented migrant workers. They very often speak little or no English, make the assumption that they will be deported if they meet anyone from the authorities, and carry with them their experiences of the police force in their country of origin:¹⁰³

...their scepticism towards the police may be engendered by their experiences as victims of crime. They are accustomed to a police force which may have been corrupt and certainly with vastly greater powers than those of our current day service. They struggle to understand the fact that criminals have rights and often think that no action due to lack of evidence is due to corrupt officials somewhere within our service. The concept of the police helping them is incomprehensible.¹⁰⁴

'These people are in the community and I need to be able to help, and I can't if no one will tell me what's going on'. The MELO police officer knows that there are cases of migrant workers being beaten up and attacked by local youths, but that they are too scared to come forward and complain: 'they can't believe that a policeman wants to help them, and that I don't want to take any

¹⁰⁰ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03

¹⁰¹ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03; interview with Kwai Li, King's Lynn Chinese Association, 20.8.03

¹⁰² interview with Abraham Eshetu, Diversity Officer for Norfolk Constabulary, 6.8.03. In its response to the first draft of this report the Norfolk Constabulary Diversity Unit stated that in recognition of the problems of underreporting and misidentification of racist incidents Norfolk Constabulary has undertaken diversity training

¹⁰³ interview with Abraham Eshetu, Diversity Officer for Norfolk Constabulary, 6.8.03

¹⁰⁴ Tony Lombardi, 'Internal Report: Profile of the Western Area BME Community, July 2003'

money from them.’¹⁰⁵ In line with recommendations of the Stephen Lawrence Inquiry Report he is encouraging third party reporting of racist incidents experienced by foreign migrant workers.

Unfortunately other police officers coming into contact with migrant workers do not put across the same message. Although the local police force in King's Lynn have been directly ordered to report racially motivated incidents, one of the people interviewed for this research, who wishes to remain anonymous, advised us that this had been ignored in some cases. The interviewee quoted a migrant worker who said, 'I rang the police and they didn't understand me, and told me they couldn't help'. In cases where local youths and Chinese migrants have become engaged in street fighting, 'the police very rarely catch the English boys, but always get the Chinese'.¹⁰⁶ Whether or not this is a true picture of the case, the message the migrants have picked up from the police is that they are not on their side, and will in fact single them out for police attention. This cannot fail to make the job of the police in supporting migrant workers who experience crime of any sort much more difficult

There has also been a difficulty with enforcement agencies communicating with each other and supporting the victims of crime, rather than seeing them as candidates for deportation. Again, this cannot have helped members of the foreign migrant community in their trust of the police.

Some agencies have made efforts over recent years to formalise and improve their race relations strategies under the Race Relations Amendment (2000) Act, and to challenge institutionalised racism as defined in the Stephen Lawrence Inquiry Report. In the case of the police this has led to the encouragement of third party reporting and race crime monitoring.¹⁰⁷ Similarly, Queen Elizabeth hospital has developed an equality and diversity strategy,¹⁰⁸ which has embraced the training of staff in the use of translation services, awareness of cultural norms, religious practices, and major religious festivals. It has also made efforts to support members of its own overseas staff, mainly from the Philippines, giving support and advice over accessing housing, general advice on banking and providing contact with community associations.

While these are major steps forward, the comments from Chinese migrant workers and the 'case of the two broken legs' shows that both these organisations have some way to go in reassuring foreign migrant workers about their intentions and informing them of the services they provide.

¹⁰⁵ interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03

¹⁰⁶ interview with King's Lynn based Chinese migrant worker, 13.9.03

¹⁰⁷ 'Racism- A Multi-Agency Protocol' has been adopted by Norfolk Constabulary, Norfolk County Council, all District Councils, the Norfolk and Norwich University Hospital, the James Paget Hospital in Great Yarmouth and Victim Support Norfolk.

¹⁰⁸ Gwyneth Wilson 'Equality and diversity at King's Lynn and Wisbech Hospitals NHS Trust, 2002-2003' internal strategy document.

Current Initiatives and Future Support for Migrant Workers

As we have stressed elsewhere in the report, temporary migrant workers in West Norfolk include British workers, foreign workers who are allowed to work legally in Britain (such as SAWS scheme workers and EU nationals) and others, some of whom have entered the country illegally. For those who have entered the country illegally, there are two major factors that currently inhibit the provision of support services. The first, and most important, is the fact that as they are illegal and have no status, then statutory bodies are unable to give them any support.¹⁰⁹ This means, for example, that an illegal migrant with mental health difficulties, other health needs, or who is homeless and penniless and speaks no English, cannot access assistance from the authorities. The second factor inhibiting the support of this group is the lack of knowledge of their situation and needs. This applies to many workers who have entered Britain legally as well. There are very few outsiders who have any in-depth or direct knowledge of the migrant worker communities, and the majority of migrants are unwilling to come forward with information. Among official agencies, it is only the Western Area MELO and the YMCA asylum seeker outreach worker who have regular face to face contact with foreign migrant workers. In the case of the latter, she is only able to assist individuals with some legal status. Sometimes agencies themselves are unclear about the latest legal changes in relation to these issues. Front line workers may not always be updated on the legal situation by their management.

KLARS (King's Lynn Asylum Seeker and Refugee Service) is the local charity which, as well as supporting asylum seekers, is the agency most likely to come into contact with undocumented migrant workers. However, due to the stipulations of its funding body, as much as the pressure of popular opinion, KLARS has to be seen to be working only with individuals who have some degree of legal status. As a result they are unable to directly support undocumented workers.

KLARS began on a purely voluntary basis under the auspices of Churches Together. It runs a weekly drop-in session open to all regardless of religious affiliation. As well as providing refreshments and some clothes at these sessions, a solicitor is usually present who is able to provide advice for asylum seekers and refugees. In April 2002 KLARS achieved charitable status, and has recently been awarded funding, which will provide for two part time project workers, and a project manager. The aim is to move away from befriending, which in the past has included helping with asylum appeals, jobs, documentation and transport, towards enabling people to do more of this work themselves. They anticipate that the two project workers will be key in developing outreach work among the different communities.

¹⁰⁹ interview with Daisy Line, YMCA asylum seeker outreach worker, 6.8.03; interview with Tony Lombardi, Minority Ethnic Liaison Officer-Western Area, King's Lynn, 5.8.03.

Changes will also include training volunteers, more active signposting of other agencies and support services, and developing 'positive awareness in the local community' of the presence and needs of non-UK nationals. The aim is also to develop a register of volunteer translators, and to give them training, to help reduce current language difficulties within the organisation.¹¹⁰ In partnership with the local Chinese Association, a set of four English lessons on Sunday afternoons for Chinese migrant workers has been arranged. There has been a difficulty over the funding for the lessons for undocumented migrants, but it is hoped that this will not prevent the course continuing in the long term.¹¹¹

At the same time other bodies, conscious of the growing need for some kind of support services for both the resident BME communities, and foreign migrant workers, have been moving towards funding outreach workers. King's Lynn and West Norfolk Chinese Association have recently put in a bid for a Chinese community project worker. The aim of this post would be to develop language support services, increasing access to the health service, and overcoming cultural barriers to Chinese involvement and participation in community activity. While this worker would be supporting the resident Chinese community, they may become a point of contact for the migrant Chinese population. At the same time West Norfolk PCT have a proposal for a health outreach worker to work with the BME populations of West Norfolk.

Similarly, there have been proposals for the creation of a drop-in centre and social centre for migrant workers. Already the local CAB has started a drop-in advice clinic in North Lynn community centre in the evenings. While a drop-in centre would undoubtedly provide a clear space for information and signposting of services, and might, if a permanent site were found, also allow wider social activities to take place, a clear sense of function needs to be created from the outset. It may be difficult to reconcile the needs and interests of different user groups, and it is vital not to assume that all foreign migrant workers have the same position, needs or goals. The CAB has not had access to funding for community workers with interpretation skills. One Chinese worker told us he had experienced more racial abuse from Portuguese and Russian workers than from indigenous employees. However, we have no information on whether such experiences are widespread.¹¹²

The Portuguese club in Swaffham has clearly become a strong focal point of the Portuguese migrant worker community in the area. It was the result of the level of racism that Portuguese workers experienced when they went into local bars and pubs.¹¹³ There may be the demand for a similar club for Chinese workers: 'we would be able to dance and sing, play chess and drink wine'.¹¹⁴

¹¹⁰ interview with Louise Heinemann, KLARS project manager, 2.9.03

¹¹¹ conversation with Kwai Li, King's Lynn Chinese Association, 19.9.03

¹¹² interview with King's Lynn based Chinese worker, 13.9.03

¹¹³ interview with Abraham Eshetu, Diversity Officer for Norfolk Constabulary, 6.8.03

¹¹⁴ interview with King's Lynn based Chinese worker, 13.9.03

Overall, these moves are a welcome indication that agencies accept that the migrant worker issue 'is not going to go away'.¹¹⁵ However, there is a danger in there being a proliferation of outreach workers suffering from short-term funding, a lack of clarity regarding roles, the potential for overlapping in some areas and failing to cover other areas. There is also the potential concern that a project may be 'kitted up' to deal with one particular ethnic/national group, but members of that group stop coming to the area, rendering them obsolete. To guard against this eventuality the development of general support and outreach workers, backed up by interpretation and sign-posting services, may be more appropriate.

¹¹⁵ telephone interview with Carol Lascelles, Health Improvement Co-ordinator, King's Lynn and West Norfolk Borough council, 15.9.03

Recommendations

The Chinese here have a lot to say, but they don't have a voice and cannot speak out... Other places are prettier but they have no work, King's Lynn isn't pretty but it has work... we work hard, pay our debts and keep quiet, and they want to get rid of us. The English people work a few hours and think that that is enough, but we Chinese work all hours and have raised the local economy. I don't understand why they [King's Lynn residents] want us to go.¹¹⁶

This study has had a narrow scope and time frame, yet even within such limits we feel that sufficient evidence has been generated to show that there are a number of serious issues relating to the use of foreign migrant workers in the West Norfolk area. King's Lynn has become a focus for many of the illegal practices associated with migrant working, owing to the historical and continued importance of horticultural production there. However, it is important to realise that the issues are not unique to the King's Lynn area but are present throughout the country and are related to a number of wider factors. These include changing patterns in the retailing and consumption of food, the power of supermarkets as the major buyers in the market, and their needs for just-in-time production. The simple fact is that the foreign migrant workers are filling a gap in the labour market that is not, and will not, be filled through local labour sources. Without their labour a significant part of the local agricultural economy would be in major difficulty.

To have any meaningful and sustained impact on the well being of migrant workers we recommend action be taken at four different levels:

- In-depth research with migrant workers
- Developing services to provide support locally for migrant workers, both legal and undocumented
- Targeting illegal employment and housing practices
- Expanding legal routes to temporary work in Britain

We envisage that the first two points are implemented mainly through the local multi-agency group, while the second two will require local agencies either working with or lobbying national government.

Research

- Further in-depth research with migrant workers is vital to assess impact of current and ongoing policies, as well as levels of need and potential direction of service provision. This research needs to be independent of any enforcement agencies in order to gain the co-operation of migrant

¹¹⁶ interview with King's Lynn based Chinese migrant worker, 13.9.03

workers, and should engage with all the major national groups currently present in West Norfolk.

Developing services

- There is tension between what some agency staff would like to deliver on humanitarian grounds and what they are legally able to provide under immigration legislation. There needs to be clarification by all agencies over who exactly they are able to support. It is currently a 'grey area' whether someone working without official sanction has any rights at all in law.¹¹⁷
- Formalisation of agencies' translation policies –on grounds of client needs and service provision. The recognition that many foreign migrants will prefer to have a friend or relative present during official interviews, even if they are not able to act as a translator. Full training of front-line staff over the use of Language Line and other translation services.
- The production of information material (posters, leaflets) sign-posting support and health services, and information on rights in appropriate languages (currently Portuguese, Russian and Chinese). Initially to be placed in supermarkets.¹¹⁸
- Norfolk Constabulary has a policy and system to investigate racist incidents. The whole police force, rather than individuals within it, should make consistent efforts to investigate racially motivated and other crimes against migrant workers.
- Information and awareness raising among the local population to highlight the contribution migrant workers make to the local economy, and the abuses from which they suffer.
- The availability of language classes for migrant workers of any status, preferably to be held on evenings or weekends.
- Recognising that confronting migrant workers issues is a major part of the struggle against racism.¹¹⁹ Organisations representing British Black and Minority Ethnic people which have worked to expose and fight against racism should be called on to offer strategic advice.

Targeting illegal employment practices

'the lack of provision of employment-related advice and advocacy is a gap that desperately needs plugging... At present, enforcement seems wholly directed against the workers, and there is no incentive for them to report employer abuses of employment or human rights, or tax evasion'¹²⁰

- New legislation to implement the registration of gangmasters, strictly enforced, and prosecution of and harsher penalties for gangmasters who break the law. This should include specific attention to excess charges for housing, and to other illegal and excessive deductions from pay.

¹¹⁷ Trades Union Congress 'Overworked, underpaid and over here: migrant workers in Britain' (European Union and international Relations Department, July 2003) p.25

¹¹⁸ Information from interviews with migrants suggests that the one place they are all likely to visit is the local supermarket.

¹¹⁹ Frances O'Grady, Deputy General Secretary of the TUC.

¹²⁰ Trades Union Congress 'Overworked, underpaid and over here' p.25

- Working with the local multi-agency group, trades unions and Citizens Advice Bureaux to create and distribute translated information leaflets regarding housing, tenancy and employment rights for migrant workers.
- Working with the local multi-agency group, trade unions and the Citizens' Advice Bureau to pressure government to lift the threat of homelessness or deportation from migrant workers who bring illegal employment practices to the attention of the enforcement authorities
- Employers' willingness to work with unions would be a start to addressing fundamental imbalance of power between migrant worker and employer

Expanding legal routes to temporary work in Britain

- People should be allowed to enter the country for six months as job-seekers provided they fund transport and accommodation.
- Offer low-skilled migrant workers routes to longer term stay just as highly skilled workers are. Currently even with the Commonwealth working holiday scheme and the SAWS and Sector Based schemes, for "unskilled" workers no route into legality is being opened up.¹²¹
- Encourage the British government to sign up the United Nations Convention on the Rights of Migrant Workers and Their Families.¹²²

¹²¹ Don Flynn of the Joint Council for the Welfare of Immigrants argues this position in response to the White Paper Secure Borders, Safe Haven (2002). It is also supported by Frances O'Grady, Deputy General Secretary of the TUC.

¹²² http://www.migrantsrights.org/Int_Conv_Prot_Rights_MigWorkers_Fam_1999_En.htm

